



1634

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:) Group Art Unit: 1634
Brentano et al.)
Serial No. 10/665,708) Examiner: To be assigned
Filed: Sept. 18, 2003)
For: Nucleic Acid Amplification and)
Detection of Mycobacterium Species)

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97(b)(1)**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Applicant brings to the Examiner's attention the references listed on the enclosed forms PTO/SB/08 (two copies) for consideration in connection with the examination of the above-identified application. A copy of each non-U.S. patent cited reference is enclosed. Many of the items listed in the form PTO/SB/08 are the U.S. patent or published patent application that corresponds to a published PCT application or European application that was cited in the parent application, and which are not cited here because they are believed to be cumulative of the cited references.

In accordance with 37 C.F.R. § 1.97(b)(1), this Information Disclosure Statement is being submitted within three months of the certified filing date of the instant application.

Applicant respectfully requests that the Examiner indicate consideration of the cited references by returning a copy of the enclosed forms PTO/SB/08 with the Examiner's initials or other appropriate marks.

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I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date indicated below with sufficient postage as first class mail addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: December 10, 2003

By: Christine A. Gritzmacher
Christine A. Gritzmacher
Registration Number 40,627

IDS

Serial No. 10/665,708
Atty. Docket No. GP107-03.UT

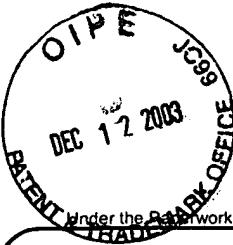
No fee is believed due in connection with this Information Disclosure Statement. If Applicant is mistaken, please charge the amount due to Deposit Account No. 07-0835, in the name of Gen-Probe Incorporated.

Respectfully Submitted,

Date: December 10, 2003

By: Christine A. Gritzmaecher
Christine A. Gritzmaecher
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet 1

of 4

Complete if Known

Application Number	10/665,708
Filing Date	September 18, 2003
First Named Inventor	Steven T. Brentano
Art Unit	1634
Examiner Name	To be assigned

Attorney Docket Number GP107-03.DV1

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (<i>if known</i>)			
		US- 5,422,242	06-06-1995	Young	
		US- 5,521,300	05-28-1996	Shah et al.	
		US- 5,554,516	09-10-1996	Kacian et al.	
		US- 5,561,044	10-01-1996	Walker et al.	
		US- 5,574,145	11-12-1996	Barry et al.	
		US- 5,677,128	10-14-1997	Hogan et al.	
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		US- 5,851,763	12-22-1998	Heym et al.	
		US- 5,906,917	05-25-1999	Hammond	
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		US- 5,985,569	11-16-1999	Foxall et al.	
		US- 6,001,611 A	12-14-1999	Will	
		US- 6,110,678	08-29-2000	Weisburg et al.	
		US- 6,136,529	10-24-2000	Hammond	
		US- 6,207,883 B1	03-27-2001	Baudot et al.	
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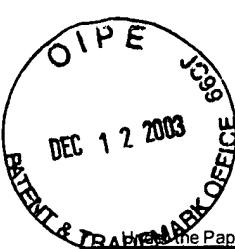
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (<i>if known</i>)				
		WO99/35284 A1	07-15-1999	Universidade Federal de Minas		
		WO01/66797 A2	09-13-2001	Beckman Coulter/US Dept. Healt		

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Sheet 2 of 4

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Application Number	10/665,708
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First Named Inventor	Steven T. Brentano
Art Unit	1634
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Attorney Docket Number	GP107-03.DV1

U. S. PATENT DOCUMENTS

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NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		Boddinghaus et al., "Detection and Identification of Mycobacteria by Amplification of rRNA", J. Clin. Microbiol., Aug. 1990, 28(8):1751-9, American Society for Microbiology, U.S.	
		FAUVILLE-DUFAUX et al., "Rapid Identification of Mycobacterium xenopi from bacterial colonies of "Bactec" culture by the polymerase chain reaction and a luminescent sandwich hybridization assay", Res. Microbiol., May, 1995, 146(4):349-56, Institute Pasteur/Elsevier, Paris, France.	
		GINGERAS et al., "Simultaneous Genotyping and Species Identification Using Hybridization Pattern Recognition Analysis of Generic Mycobacterium DNA Arrays", Genome Res., May 1998, 8(5):435-48, Cold Spring Harbor Press, U.S.	
		HOLBERG-PETERSEN et al., "Identification of clinical isolates of Mycobacterium spp. by sequence analysis of the 16S ribosomal RNA gene. Experience from a clinical laboratory" Acta Pathologica Microbiologica et Immunologica, Feb. 1999, 107(2):231-9, APMIS. Scandinavia.	
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		KLEMEN et al., "Multiplex polymerase chain reaction for rapid detection of atypical mycobacteria and Mycobacterium tuberculosis complex" Diagn. Mol. Pathol. Dec. 1998, 7(6):310-6, Lippincott Williams & Wilkins, U.S.	
		KOX et al., "Microwell Hybridization Assay for Detection of PCR Products from Mycobacterium tuberculosis Complex and the Recombinant Mycobacterium smegmatis Strain 1008 Used as an Internal Control", J. Clin. Microbiol., Sept. 1996, 34(9):2117-20, American Society for Microbiology, U.S.	
		ROGALL et al., "Towards a phylogeny and definition of species at the molecular level within the genus Mycobacterium", Int. J. of Syst. Bacteriol., Oct. 1990, 40(4):323-30, American Society for Microbiology, U.S..	

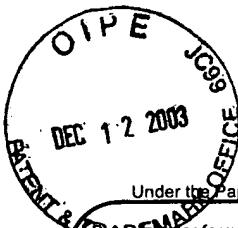
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		Stackebrant et al., "Taxonomic Note: A Place for DNA-DNA Reassociation and 16S rRNA Sequence Analysis in the Present Species Definition in Bacteriology", Int. J. of Syst. Bacteriol., Oct. 1994, 44(4):846-9, International Union of Microbiological Societies, U.S.	
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